IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 2462 of 2007(R)

PETITIONERS:
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1. K. RAJAN,
SANITATION WORKER, MUNICIPALITY OF KANNUR,
RESIDING AT PALAKKATH THAZHEKUNI, P.O.PALAKKARA,
VIA. MELADI, KOZHIKODE.

2. T. ASHOKAN,
SANITATION WORKER, MUNICIPALITY OF KANNUR,
RESIDING AT KIZHAKKE MOOLAYIL (HOUSE),
THAYATHERU, KANNUR-2.

BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH

RESPONDENTS:
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1. THE SECRETARY,
KANNUR MUNICIPALITY, KANNUR.

2. THE MUNICIPAL CHAIRMAN,
KANNUR MUNICIPAL COUNCIL, KANNUR.

3. THE KANNUR MUNICIPAL COUNCIL,
REPRESENTED BY ITS SECRETARY, MUNICIPALITY OF KANNUR.

4. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVT.,
DEPARTMENT OF LOCAL ADMINISTRATION,
GOVT.SECRETARIAT, TRIVANDRUM.

R1 TO R3 BY SHRI.K.K.CHANDRAN PILLAI, SC, KANNUR MUNTY.
R4 BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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W.P.(C).No.2462 OF 2007-R.

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Dated this the 8th day of February, 2007.

J U D G M E N T

The petitioners are Sanitation Workers engaged by the Kannur Municipality. As regards the right claimed by the petitioners for regularisation in service, it is worth noticing that issues were raised before the Labour Court where the workmen as well as the management were parties and that an award was passed. The Labour Court held that the workmen are entitled to get their service regularised. The management challenged that award before this Court. As per Ext.P4 judgment the writ petition filed by the management was dismissed. Thereafter, Writ Appeal filed against the judgment of the learned Single Judge was also dismissed vide Ext.P5. In pursuance thereof, the Secretary of Municipal Labour Union approached this Court for a direction to implement the award passed by the Labour Court. This Court as per Ext.P6 judgment directed the Municipality, in the matter of implementation of the award, to take appropriate steps in the light of Ext.P5 judgment, if it is not already done. The Municipality has implemented the award treating the workmen as permanent

employees with effect from 14-8-1995.

2. The petitioners have filed Ext.P7 representation before the 1st respondent requesting to consider them as permanent workers with effect from 26-3-1993 instead of 14-8-1995. Counsel submits that the 1st respondent may be directed to dispose of Ext.P7.

3. As noticed above, this Court had occasion to consider the grievance of the workmen against the non-implementation of the award. The Municipality as well as the Union concerned is bound by the Writ Appeal judgment rendered as per Ext.P5. The 1st respondent may consider the request made by the petitioners as per Ext.P7 in the light of the above judgment, pass orders and communicate the same to the petitioners within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-